

Message Text

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ORIGIN PM-04

INFO OCT-01 EUR-12 ISO-00 L-03 CIAE-00 INR-07 ACDA-05

NSAE-00 PA-01 SS-15 PRS-01 SP-02 USIA-06 TRSE-00

SAJ-01 DODE-00 MC-02 NSC-05 EB-07 H-02 /074 R

DRAFTED BY PM/SAS: RWSMITH:RG:LD

APPROVED BY PM/SAS: MR. S. WINSHIP

L/PM - MR. BOREK

EUR/CE - MR. HUMPHREY

DOD/DSAA - MR. GUILD

PM/SAS - MR. JAMES

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R 200006Z DEC 75

FM SECSTATE WASHDC

TO AMEMBASSY BONN

INFO USMISSION NATO

USCINCEUR

C O N F I D E N T I A L STATE 299594

E.O. 11652: GDS

TAGS: MASS, GW

SUBJECT: FRG 36TH AND 37TH DISPOSAL LISTS OF US ORIGIN
MATERIEL.

REF: BONN 18156

1. MILITARY DEPARTMENTS HAVE REVIEWED SUBJECT LISTS AND
DO NOT WISH TO REACQUIRE ANY ITEMS.

2. IN PASSING ABOVE TO FONOFF, YOU SHOULD EMPHASIZE AGAIN
(AS PREVIOUSLY DISCUSSED IN STATE 204775) THAT CURRENT US
STATUTES SPECIFY THAT THE PRESIDENT SHALL NOT GIVE HIS CON-
SENT TO A REQUEST FOR ANY TRANSFER OF "ANY WEAPON, WEAPONS
SYSTEM, MUNITIONS, AIRCRAFT, MILITARY BOAT, MILITARY VESSEL,
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OR OTHER IMPLEMENT OF WAR" TO ANOTHER COUNTRY UNLESS THE

US ITSELF WOULD TRANSFER THE DEFENSE ARTICLES UNDER CONSIDERATION TO THAT COUNTRY, AND THAT PRIOR TO CONSENTING TO THE TRANSFER, THE PRESIDENT NOTIFIES THE CONGRESS AND PROVIDES THE JUSTIFICATION FOR PROVIDING SUCH CONSENT. IN ADDITION, THE PRESIDENT CANNOT GIVE SUCH CONSENT TO THE TRANSFER OF "ANY SIGNIFICANT DEFENSE ARTICLES ON THE UNITED STATES MUNITIONS LIST" UNLESS THE ITEM CONCERNED IS EITHER DEMILITARIZED PRIOR TO TRANSFER, OR THE PROPOSED RECIPIENT

COUNTRY PROVIDES A COMMITMENT IN WRITING TO THE USG NOT TO TRANSFER THE ITEM, IF NOT DEMILITARIZED, TO ANY OTHER FOREIGN COUNTRY OR PERSON WITHOUT FIRST OBTAINING THE CONSENT OF THE PRESIDENT.

3. THESE REQUIREMENTS ARE CONTAINED BOTH IN SECTION 505 (E) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED, AND 3(A) OF THE FOREIGN MILITARY SALES ACT, AS AMENDED, AND APPLY THEREFORE TO ALL THIRD-PARTY TRANSFERS OF MAP AND FMS-ORIGIN US MILITARY EQUIPMENT. FRG SHOULD BE REMINDED TO SEEK ADVANCE US APPROVAL BEFORE TRANSFERRING SUCH EQUIPMENT TO THIRD-PARTIES.

4. FYI AT PRESENT STAGE OF CONGRESSIONAL CONSIDERATION OF ADMINISTRATION'S FY 1976 SECURITY ASSISTANCE LEGISLATIVE PROPOSALS, THERE IS WIDESPREAD AND ACTIVE SENTIMENT FOR PLACING TIGHTER STATUTORY CONTROLS ON THIRD-PARTY TRANSFERS OF US MILITARY MATERIEL, SUCH AS PROVIDING FOR CONGRESSIONAL VETO ON PROPOSED TRANSFERS. REGARDLESS OF OUTCOME OF SUCH MOVES, THERE IS NO DOUBT THAT MANY IN THE CONGRESS, INCLUDING SOME TRADITIONAL SUPPORTERS OF SECURITY ASSISTANCE, ARE CONCERNED THAT SUCH TRANSFERS ARE NOT ADEQUATELY CONTROLLED. IN THIS CONTEXT, IT IS IMPORTANT THAT WE PREVENT A SITUATION DEVELOPING WHEREIN IT WOULD BE NECESSARY TO INFORM CONGRESS THAT AN UNAUTHORIZED THIRD-PARTY TRANSFER HAS OCCURRED. KISSINGER

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